

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

HEADWATER RESEARCH LLC,

*Plaintiff,*

v.

VERIZON COMMUNICATIONS INC.,  
CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS, and VERIZON CORPORATE  
SERVICES GROUP, INC.,

*Defendants.*

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Case No. 2:23-cv-00352-JRG-RSP

**ORDER**

Defendants Verizon Communications Inc., Cellco Partnership d/b/a Verizon Wireless, and Verizon Corporate Services Group, Inc. previously filed a Motion for Partial Summary Judgment that Headwater's Damages are Limited by 35 U.S.C. § 287. (Dkt. No. 188.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 304) recommending that the Court grant Verizon's Motion with respect to Plaintiff not having given pre-suit actual notice to Defendants, but otherwise recommending that the Court deny the Motion. Verizon has now filed Objections (Dkt. No. 349) and Headwater has filed its Response (Dkt. No. 375).

After conducting a *de novo* review of the briefing on the Motion for Partial Summary Judgment that Headwater's Damages are Limited by 35 U.S.C. § 287, the Report and Recommendation, and the briefing on Verizon's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was clearly erroneous. Consequently, the Court **OVERRULES** Verizon's Objections, **ADOPTS** the Report and Recommendation, and **ORDERS** that the Motion for Partial Summary Judgment that Headwater's Damages are Limited by 35 U.S.C. § 287 (Dkt. No. 188) is **GRANTED** as to Plaintiff not having given pre-suit actual notice to Defendants, but is otherwise **DENIED**.

**So ORDERED and SIGNED this 9th day of July, 2025.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE